

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1157, AS REPORTED
OFFERED BY MR. GILCHREST OF MARYLAND

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Pacific Salmon Recov-
3 ery Act”.

4 SEC. 2. SALMON CONSERVATION AND SALMON HABITAT
5 RESTORATION ASSISTANCE.

6 (a) REQUIREMENT TO PROVIDE ASSISTANCE.—Sub-
7 ject to the availability of appropriations, the Secretary of
8 Commerce shall provide financial assistance in accordance
9 with this Act to qualified States and qualified tribal gov-
10 ernments for salmon conservation and salmon habitat res-
11 toration activities.

12 (b) ALLOCATION.—Of the amounts available to pro-
13 vide assistance under this section each fiscal year (after
14 the application of section 3(g)), the Secretary—

15 (1) shall allocate 85 percent among qualified
16 States, in equal amounts; and

17 (2) shall allocate 15 percent among qualified
18 tribal governments, in amounts determined by the
19 Secretary.



1 (c) TRANSFER.—

2 (1) IN GENERAL.—The Secretary shall prompt-
3 ly transfer—

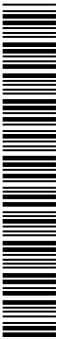
4 (A) to a qualified State that has submitted
5 a Conservation and Restoration Plan under sec-
6 tion 3(a) amounts allocated to the qualified
7 State under subsection (b)(1) of this section,
8 unless the Secretary determines, within 30 days
9 after the submittal of the plan to the Secretary,
10 that the plan is inconsistent with the require-
11 ments of this Act; and

12 (B) to a qualified tribal government that
13 has entered into a memorandum of under-
14 standing with the Secretary under section 3(b)
15 amounts allocated to the qualified tribal govern-
16 ment under subsection (b)(2) of this section.

17 (2) TRANSFERS TO QUALIFIED STATES.—The
18 Secretary shall make the transfer under paragraph
19 (1)(A)—

20 (A) to the Washington State Salmon Re-
21 covery Board, in the case of amounts allocated
22 to Washington;

23 (B) to the Oregon State Watershed En-
24 hancement Board, in the case of amounts allo-
25 cated to Oregon;



1 (C) to the California Department of Fish
2 and Game for the California Coastal Salmon
3 Recovery Program, in the case of amounts allo-
4 cated to California;

5 (D) to the Governor of Alaska, in the case
6 of amounts allocated to Alaska; and

7 (E) to the Office of Species Conservation,
8 in the case of amounts allocated to Idaho.

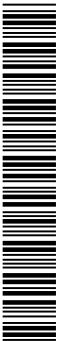
9 (d) REALLOCATION.—

10 (1) AMOUNTS ALLOCATED TO QUALIFIED
11 STATES.—Amounts that are allocated to a qualified
12 State for a fiscal year shall be reallocated under sub-
13 section (b)(1) among the other qualified States, if—

14 (A) the qualified State has not submitted
15 a plan in accordance with section 3(a) as of the
16 end of the fiscal year; or

17 (B) the amounts remain unobligated at the
18 end of the subsequent fiscal year.

19 (2) AMOUNTS ALLOCATED TO QUALIFIED TRIB-
20 AL GOVERNMENTS.—Amounts that are allocated to a
21 qualified tribal government for a fiscal year shall be
22 reallocated under subsection (b)(2) among the other
23 qualified tribal governments, if the qualified tribal
24 government has not entered into a memorandum of



1 understanding with the Secretary in accordance with
2 section 3(b) as of the end of the fiscal year.

3 **SEC. 3. RECEIPT AND USE OF ASSISTANCE.**

4 (a) QUALIFIED STATE SALMON CONSERVATION AND
5 RESTORATION PLAN.—

6 (1) IN GENERAL.—To receive assistance under
7 this Act, a qualified State shall develop and submit
8 to the Secretary a Salmon Conservation and Salmon
9 Habitat Restoration Plan.

10 (2) CONTENTS.—Each Salmon Conservation
11 and Salmon Restoration Plan shall, at a minimum—

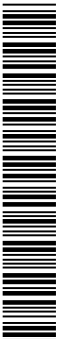
12 (A) be consistent with other applicable
13 Federal laws;

14 (B) be consistent with the goal of salmon
15 recovery;

16 (C) except as provided in subparagraph
17 (D), give priority to use of assistance under this
18 section for projects that—

19 (i) provide a direct and demonstrable
20 benefit to salmon or their habitat;

21 (ii) provide the greatest benefit to
22 salmon conservation and salmon habitat
23 restoration relative to the cost of the
24 projects; and



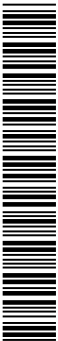
1 (iii) conserve, and restore habitat,
2 for—

3 (I) salmon that are listed as en-
4 dangerous species or threatened spe-
5 cies, proposed for such listing, or can-
6 didates for such listing, under the En-
7 dangerous Species Act of 1973 (16
8 U.S.C. 1531 et seq.); or

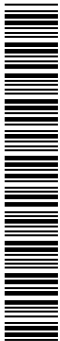
9 (II) salmon that are given special
10 protection under the laws or regula-
11 tions of the qualified State;

12 (D) in the case of a plan submitted by a
13 qualified State in which, as of the date of the
14 enactment of this Act, there is no area at which
15 a salmon species referred to in subparagraph
16 (C)(iii)(I) spawns—

17 (i) give priority to use of assistance
18 for projects referred to in subparagraph
19 (C)(i) and (ii) that contribute to proactive
20 programs to conserve and enhance species
21 of salmon that intermingle with, or are
22 otherwise related to, species referred to in
23 subparagraph (C)(iii)(I), which may in-
24 clude (among other matters)—



- 1 (I) salmon-related research, data
2 collection, and monitoring;
- 3 (II) salmon supplementation and
4 enhancement;
- 5 (III) salmon habitat restoration;
- 6 (IV) increasing economic oppor-
7 tunities for salmon fishermen; and
- 8 (V) national and international co-
9 operative habitat programs; and
- 10 (ii) provide for revision of the plan
11 within one year after any date on which
12 any salmon species that spawns in the
13 qualified State is listed as an endangered
14 species or threatened species, proposed for
15 such listing, or a candidate for such list-
16 ing, under the Endangered Species Act of
17 1973 (16 U.S.C. 1531 et seq.);
- 18 (E) establish specific goals and timelines
19 for activities funded with such assistance;
- 20 (F) include measurable criteria by which
21 such activities may be evaluated;
- 22 (G) require that activities carried out with
23 such assistance shall—
- 24 (i) be scientifically based;
- 25 (ii) be cost effective;



1 (iii) not be conducted on private land
2 except with the consent of the owner of the
3 land; and

4 (iv) contribute to the conservation and
5 recovery of salmon;

6 (H) require that the qualified State main-
7 tain its aggregate expenditures of funds from
8 non-Federal sources for salmon habitat restora-
9 tion programs at or above the average level of
10 such expenditures in the 2 fiscal years pre-
11 ceding the date of the enactment of this Act;
12 and

13 (I) ensure that activities funded under this
14 Act are conducted in a manner in which, and
15 in areas where, the State has determined that
16 they will have long-term benefits.

17 (3) SOLICITATION OF COMMENTS.—In pre-
18 paring a plan under this subsection a qualified State
19 shall seek comments on the plan from local govern-
20 ments in the qualified State.

21 (b) TRIBAL MOU WITH SECRETARY.—

22 (1) IN GENERAL.—To receive assistance under
23 this Act, a qualified tribal government shall enter
24 into a memorandum of understanding with the Sec-
25 retary regarding use of the assistance.



1 (2) CONTENTS.—Each memorandum of under-
2 standing shall, at a minimum—

3 (A) be consistent with other applicable
4 Federal laws;

5 (B) be consistent with the goal of salmon
6 recovery;

7 (C) give priority to use of assistance under
8 this Act for activities that—

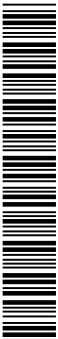
9 (i) provide a direct and demonstrable
10 benefit to salmon or their habitat;

11 (ii) provide the greatest benefit to
12 salmon conservation and salmon habitat
13 restoration relative to the cost of the
14 projects; and

15 (iii) conserve, and restore habitat,
16 for—

17 (I) salmon that are listed as en-
18 dangered species or threatened spe-
19 cies, proposed for such listing, or can-
20 didates for such listing, under the En-
21 dangered Species Act of 1973 (16
22 U.S.C. 1531 et seq.); or

23 (II) salmon that are given special
24 protection under the ordinances or



1 regulations of the qualified tribal gov-
2 ernment;

3 (D) in the case of a memorandum of un-
4 derstanding entered into by a qualified tribal
5 government for an area in which, as of the date
6 of the enactment of this Act, there is no area
7 at which a salmon species that is referred to in
8 subparagraph (C)(iii)(I) spawns—

9 (i) give priority to use of assistance
10 for projects referred to in subparagraph
11 (C)(i) and (ii) that contribute to proactive
12 programs described in subsection
13 (a)(2)(D)(i);

14 (ii) include a requirement that the
15 memorandum shall be revised within 1
16 year after any date on which any salmon
17 species that spawns in the area is listed as
18 an endangered species or threatened spe-
19 cies, proposed for such listing, or a can-
20 didate for such listing, under the Endan-
21 gered Species Act of 1973 (16 U.S.C.
22 1531 et seq.);

23 (E) establish specific goals and timelines
24 for activities funded with such assistance;



1 (F) include measurable criteria by which
2 such activities may be evaluated;

3 (G) establish specific requirements for re-
4 porting to the Secretary by the qualified tribal
5 government;

6 (H) require that activities carried out with
7 such assistance shall—

8 (i) be scientifically based;

9 (ii) be cost effective;

10 (iii) not be conducted on private land
11 except with the consent of the owner of the
12 land; and

13 (iv) contribute to the conservation or
14 recovery of salmon; and

15 (I) require that the qualified tribal govern-
16 ment maintain its aggregate expenditures of
17 funds from non-Federal sources for salmon
18 habitat restoration programs at or above the
19 average level of such expenditures in the 2 fis-
20 cal years preceding the date of the enactment
21 of this Act.

22 (c) ELIGIBLE ACTIVITIES.—

23 (1) IN GENERAL.—Assistance under this Act
24 may be used by a qualified State in accordance with
25 a plan submitted by the State under subsection (a),



1 or by a qualified tribal government in accordance
2 with a memorandum of understanding entered into
3 by the government under subsection (b), to carry out
4 or make grants to carry out, among other activities,
5 the following:

6 (A) Watershed evaluation, assessment, and
7 planning necessary to develop a site-specific and
8 clearly prioritized plan to implement watershed
9 improvements, including for making multi-year
10 grants.

11 (B) Salmon-related research, data collec-
12 tion, and monitoring, salmon supplementation
13 and enhancement, and salmon habitat restora-
14 tion.

15 (C) Maintenance and monitoring of
16 projects completed with such assistance.

17 (D) Technical training and education
18 projects, including teaching private landowners
19 about practical means of improving land and
20 water management practices to contribute to
21 the conservation and restoration of salmon
22 habitat.

23 (E) Other activities related to salmon con-
24 servation and salmon habitat restoration.



1 (2) USE FOR LOCAL AND REGIONAL
2 PROJECTS.—Funds allocated to qualified States
3 under this Act shall be used for local and regional
4 projects.

5 (d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE
6 OF JURISDICTION OF RECIPIENT.—Assistance under this
7 section provided to a qualified State or qualified tribal
8 government may be used for activities conducted outside
9 the areas under its jurisdiction if the activity will provide
10 conservation benefits to naturally produced salmon in
11 streams of concern to the qualified State or qualified tribal
12 government, respectively.

13 (e) COST SHARING BY QUALIFIED STATES.—

14 (1) IN GENERAL.—A qualified State shall
15 match, in the aggregate, the amount of any financial
16 assistance provided to the qualified State for a fiscal
17 year under this Act, in the form of monetary con-
18 tributions or in-kind contributions of services for
19 projects carried out with such assistance. For pur-
20 poses of this paragraph, monetary contributions by
21 the State shall not be considered to include funds re-
22 ceived from other Federal sources.

23 (2) LIMITATION ON REQUIRING MATCHING FOR
24 EACH PROJECT.—The Secretary may not require a



1 qualified State to provide matching funds for each
2 project carried out with assistance under this Act.

3 (3) TREATMENT OF MONETARY CONTRIBU-
4 TIONS.—For purposes of subsection (a)(2)(H), the
5 amount of monetary contributions by a qualified
6 State under this subsection shall be treated as ex-
7 penditures from non-Federal sources for salmon con-
8 servation and salmon habitat restoration programs.
9 (f) COORDINATION OF ACTIVITIES.—

10 (1) IN GENERAL.—Each qualified State and
11 each qualified tribal government receiving assistance
12 under this Act is encouraged to carefully coordinate
13 salmon conservation activities of its agencies to
14 eliminate duplicative and overlapping activities.

15 (2) CONSULTATION.—Each qualified State and
16 qualified tribal government receiving assistance
17 under this Act shall consult with the Secretary to
18 ensure there is no duplication in projects funded
19 under this Act.

20 (g) LIMITATION ON ADMINISTRATIVE EXPENSES.—

21 (1) FEDERAL ADMINISTRATIVE EXPENSES.—Of
22 the amount made available under this Act each fiscal
23 year, not more than 1 percent may be used by the
24 Secretary for administrative expenses incurred in
25 carrying out this Act.



1 (2) STATE AND TRIBAL ADMINISTRATIVE EX-
2 PENSES.—Of the amount allocated under this Act to
3 a qualified State or qualified tribal government each
4 fiscal year, not more than 3 percent may be used by
5 the qualified State or qualified tribal government,
6 respectively, for administrative expenses incurred in
7 carrying out this Act.

8 **SEC. 4. PUBLIC PARTICIPATION.**

9 (a) QUALIFIED STATE GOVERNMENTS.—Each quali-
10 fied State seeking assistance under this Act shall establish
11 a citizens advisory committee or provide another similar
12 forum for local governments and the public to participate
13 in obtaining and using the assistance.

14 (b) QUALIFIED TRIBAL GOVERNMENTS.—Each
15 qualified tribal government receiving assistance under this
16 Act shall hold public meetings to receive recommendations
17 on the use of the assistance.

18 **SEC. 5. CONSULTATION NOT REQUIRED.**

19 Consultation under section 7 of the Endangered Spe-
20 cies Act of 1973 (16 U.S.C. 1531 et seq.) shall not be
21 required based solely on the provision of financial assist-
22 ance under this Act.

23 **SEC. 6. REPORTS.**

24 (a) QUALIFIED STATES.—Each qualified State shall,
25 by not later than December 31 of each year, submit to

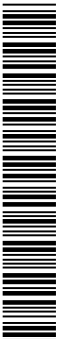


1 the Committee on Commerce, Science, and Transportation
2 of the Senate and the Committee on Resources of the
3 House of Representatives an annual report on the use of
4 financial assistance received by the qualified State under
5 this Act. The report shall contain an evaluation of the suc-
6 cess of this Act in meeting the criteria listed in section
7 3(a)(2).

8 (b) SECRETARY.—

9 (1) ANNUAL REPORT REGARDING QUALIFIED
10 TRIBAL GOVERNMENTS.—The Secretary shall, by not
11 later than December 31 of each year, submit to the
12 Committee on Commerce, Science, and Transpor-
13 tation of the Senate and the Committee on Re-
14 sources of the House of Representatives an annual
15 report on the use of financial assistance received by
16 qualified tribal governments under this Act. The re-
17 port shall contain an evaluation of the success of
18 this Act in meeting the criteria listed in section
19 3(b)(2).

20 (2) BIENNIAL REPORT.—The Secretary shall,
21 by not later than December 31 of the second year
22 in which amounts are available to carry out this Act,
23 and of every second year thereafter, submit to the
24 Committee on Commerce, Science, and Transpor-
25 tation of the Senate and the Committee on Re-



1 sources of the House of Representatives a biannual
2 report on the use of funds allocated to qualified
3 States under this Act. The report shall review pro-
4 grams funded by the States and evaluate the success
5 of this Act in meeting the criteria listed in section
6 3(a)(2).

7 **SEC. 7. DEFINITIONS.**

8 In this Act:

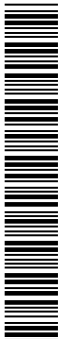
9 (1) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given that term in section 4(e) of
11 the Indian Self-Determination and Education Assist-
12 ance Act (25 U.S.C. 450b(e)).

13 (2) QUALIFIED STATE.—The term “qualified
14 State” means each of the States of Alaska, Wash-
15 ington, Oregon, California, and Idaho.

16 (3) QUALIFIED TRIBAL GOVERNMENT.—The
17 term “qualified tribal government” means—

18 (A) a tribal government of an Indian tribe
19 in Washington, Oregon, California, or Idaho
20 that the Secretary of Commerce, in consultation
21 with the Secretary of the Interior, determines—

22 (i) is involved in salmon management
23 and recovery activities under the Endan-
24 gered Species Act of 1973 (16 U.S.C.
25 1531 et seq.); and



1 (ii) has the management and organi-
2 zational capability to maximize the benefits
3 of assistance provided under this Act; and

4 (B) a village corporation as defined in or
5 established pursuant to the Alaska Native
6 Claims Settlement Act (43 U.S.C. 1601 et seq.)
7 that the Secretary of Commerce, in consultation
8 with the Secretary of the Interior, determines—

9 (i) is involved in salmon conservation
10 and management; and

11 (ii) has the management and organi-
12 zational capability to maximize the benefits
13 of assistance provided under this Act.

14 (4) SALMON.—The term “salmon” means any
15 naturally produced salmon or naturally produced
16 trout of the following species:

17 (A) Coho salmon (*oncorhynchus kisutch*).

18 (B) Chinook salmon (*oncorhynchus*
19 *tshawytscha*).

20 (C) Chum salmon (*oncorhynchus keta*).

21 (D) Pink salmon (*oncorhynchus*
22 *gorbuscha*).

23 (E) Sockeye salmon (*oncorhynchus nerka*).

24 (F) Steelhead trout (*oncorhynchus*
25 *mykiss*).



1 (G) Sea-run cutthroat trout (*oncorhynchus*
2 *clarki clarki*).

3 (H) For purposes of application of this Act
4 in Oregon—

5 (i) Lahontan cutthroat trout
6 (*oncorhynchus clarki henshawi*); and

7 (ii) Bull trout (*salvelinus confluentus*).

8 (I) For purposes of application of this Act
9 in Washington and Idaho, Bull trout (*salvelinus*
10 *confluentus*).

11 (5) SECRETARY.—The term Secretary means
12 the Secretary of Commerce.

13 **SEC. 8. REPORT REGARDING TREATMENT OF INTER-**
14 **NATIONAL FISHERY COMMISSION PEN-**
15 **SIONERS.**

16 The President shall—

17 (1) determine the number of United States citi-
18 zens who—

19 (A) served as employees of the Inter-
20 national Pacific Salmon Fisheries Commission
21 or the International North Pacific Fisheries
22 Commission; and

23 (B) worked in Canada in the course of em-
24 ployment with that commission;



1 (2) calculate for each such employee the dif-
2 ference between—

3 (A) the value, in United States currency,
4 of the annuity payments made and to be made
5 (determined by an actuarial valuation) by or on
6 behalf of each such commission to the em-
7 ployee; and

8 (B) the value, in Canadian currency, of
9 such annuity payments; and

10 (3) by not later than September 1, 2001, sub-
11 mit to the Committee on Resources of the House of
12 Representatives and the Committee on Commerce,
13 Science and Transportation of the Senate a report
14 on the determinations and calculations made under
15 paragraphs (1) and (2).

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated
18 \$200,000,000 for each of the fiscal years 2002, 2003, and
19 2004 to carry out this Act. Funds appropriated under this
20 section may remain until expended.

